

August 23, 2004

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TOWN OF NEW WINDSOR  
ZONING BOARD

AUGUST 23, 2004

MEMBERS PRESENT: MICHAEL REIS, CHAIRMAN  
STEPHEN RIVERA  
JOSEPH MINUTA  
KATHLEEN LOCEY  
KIMBERLY GANN

ALSO PRESENT: ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MICHAEL BABCOCK,  
BUILDING INSPECTOR

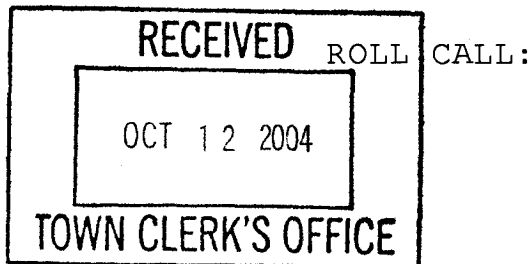
MYRA MASON,  
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE  
LEN MCDONALD

REGULAR MEETING

MR. REIS: I'd like to call the August  
23rd Zoning Board of Appeals meeting to  
order.

Can I have a roll call, please?



MS. GANN: Here.

MS. LOCEY: Here.

MR. RIVERA: Here.

MR. MINUTA: Here.

MR. REIS: Here.

REGULAR BUSINESS:

MR. REIS: The first business on our agenda is a motion to accept the minutes of August 9th. May I hear the motion?

MR. MINUTA: So moved.

MR. REIS: Second?

MS. LOCEY: I'll second it.

MR. REIS: Roll call?

ROLL CALL:

MS. GANN: Yes.

MS. LOCEY: Yes.

MR. RIVERA: Yes.

MR. MINUTA: Yes.

MR. REIS: Yes.

ANTHONY FAYO (04-62):

MR. REIS: We'll open up the preliminary meeting. First on our agenda tonight, Anthony Fayo.

MR. FAYO: I want to put a garage up. It would be in the front of my primary residence.

MR. REIS: Speak loud enough so the stenographer can hear you.

MR. FAYO: I want to put a garage up, but it's going to be in front of my primary building, so I need a variance.

MR. REIS: Mr. Fayo, is there a place on your property that you could put this without necessitating a variance?

MR. FAYO: No. I brought a tax map. My current house sits here. Back here is wet. Through here is all wetlands as you can see. So this is the only place I really got. Up through here is all wet.

MR. KRIEGER: It's a long narrow --

MR. FAYO: Long narrow piece.

MR. KRIEGER: -- piece of property?

MR. FAYO: Back here is wet. The only

dry piece is up front.

MR. KRIEGER: The only access is in front of the house, which is halfway down the property from the road on which it enters. This dotted line here, is this a driveway?

MR. FAYO: That's my existing driveway to my residence, yes. That's my residence.

MR. KRIEGER: Where do you want to put the garage?

MR. FAYO: I really have no choice. I have to put it up here due to the D.E.C. wetlands and then the wetlands back here.

MR. KRIEGER: Up here would be about how far from the road?

MR. FAYO: I measured off only about 250 feet before it starts off the road.

MR. KRIEGER: From the road. And how far back is the house?

MR. FAYO: My house sits about 1,200 feet off the road.

MR. REIS: Let's pass this around so the folks can see this.

MR. FAYO: Sure.

MR. KRIEGER: When you say long and

narrow, how wide is the property?

MR. FAYO: Mine is 100. And about 1,700 feet.

MR. KRIEGER: About 1,700 feet long and 100 feet wide?

MR. FAYO: Yes.

MR. MINUTA: How far back from the road is it going to be?

MR. FAYO: Looking about 250 feet probably put it somewhere here sitting behind the existing homes. My current residence is over here. But this is all wetlands, buffer zones, stream. And it's wetlands back here. So I really can't address it any other place except for that.

MR. MINUTA: I'm familiar with that.

MR. REIS: May I make a disclosure?

MR. FAYO: My current residence is up here, the garage is about 250 feet off the road. Here is all wetlands. Even in the back here is a stream. It kind of leaves me --

MR. RIVERA: The only place you can put it?

MR. FAYO: Yes, it does. I got some tractors, I got a boat. I got a boat I'm looking to buy.

MR. KRIEGER: How big a garage?

MR. FAYO: I'm looking at probably like 50 by 40 at the most. That will be probably the biggest. The actual size will make it probably somewhere around 30 to 42 feet. I'm just over in case I decide to go big, but I doubt it at all.

MR. MINUTA: Anthony, this is a residential garage?

MR. FAYO: Yes, not commercial garage, no. I brought some pictures that I highlighted what it might look like. I haven't exactly picked the one I want yet.

MR. MINUTA: Okay.

MR. REIS: Just for the record, I'd like to disclose the fact that myself and my company have done business with Mr. Fayó in the past and currently, and consequently I'm going to recuse myself from this proceeding, from voting in this proceeding.

MR. MINUTA: Likewise. I'm not going

to recuse myself, but I'm familiar with the applicant. It in no way affects my vote.

MR. REIS: Any other questions, Joe?

MR. MINUTA: No.

MR. REIS: Kathy?

MS. LOCEY: I have no questions.

MR. RIVERA: Cutting down any trees substantially?

MR. FAYO: Small stuff. Ten inch at most. In the pictures I gave you there's really just small stuff there. The biggest thing I got is like ten inch. Probably I'm going to say maybe 10 to a dozen at most that might have to come down.

MR. MINUTA: Anthony, two questions, one with regard to the trees, the other with regard to the height. The height of the building will be?

MR. FAYO: I don't see it being more than 12 feet.

MR. MINUTA: Then the trees, I'm not sure how this would apply here, but in the zoning code anything over 8 inches needs to be noted.

MR. FAYO: What do you mean noted?

MR. MINUTA: Noted bulk diameter that's being taken down because that's considered substantial.

MR. FAYO: So I should measure it and give you guys an idea how many is out there, is that what you are saying?

MR. MINUTA: For the initial proceedings.

MR. FAYO: Sure, not a problem.

MR. REIS: Anthony, you're not going to go over any easements or right-a-ways to accomplish this?

MR. FAYO: No.

MR. REIS: You would not be causing any water accumulation or runoffs on your neighbors?

MR. FAYO: No. It will all go back to my wetlands area and my big stream.

MR. REIS: Any other thoughts, questions? Accept a motion?

MR. RIVERA: Accept a motion, Mr. Chairman?

MR. REIS: Please.



MR. RIVERA: Accept Mr. Anthony Fayo for the requested variance of Section 300-11 to place a structure close to the road and the principal building at 308 Bull Road in an R-1 zone.

MR. MINUTA: Second.

ROLL CALL:

MS. GANN: Yes.

MS. LOCEY: Yes.

MR. RIVERA: Yes.

MR. MINUTA: Yes.

(Mr. Reis abstains.)

ANTHONY YONNONE (04-63):

MR. REIS: The next preliminary meeting Anthony Yonnone, please. Your name?

MS. YONNONE: Arlene Yonnone.

MR. REIS: Arlene, what we're doing for the next applicant, the preliminary meeting that we have in New Windsor gives us an idea of what you want to accomplish and we give you an idea what you need to give us so we can help you accomplish your goals, okay?

So tell us what you want to do and, again, this is a preliminary and then we will be hopefully setting you up for a final.

MS. YONNONE: I would like to put a shed and the reason why we need the shed is because we put an inground pool in and where the motors are we want to put a shed to cover the motor. And it's going, it's passing the, in front of the house a little. It's on the side of the house, but it's going passed the front of the house.

MR. MINUTA: This equipment for the pool is already located there?

MS. YONNONE: Yes.

MR. MINUTA: You're simply enclosing that in?

MS. YONNONE: Yes.

MR. MINUTA: You are on a corner lot?

MS. YONNONE: No, I'm up on a hill. I'm right passed the little league field. And where I'm putting the shed it's not going to be seen. We have, you know, enough property there where it's not going to bother anybody else and it's not, the neighbors are not going to see it. It's property that we don't use, it's just sitting there.

MR. MINUTA: Will you be creating any water hazards or cutting down substantial vegetation?

MS. YONNONE: No.

MR. MINUTA: The size of that shed?

MS. YONNONE: I'm not sure which one my husband ordered, but I know it's 10-foot wide and I think it's either 10 by 16 or 10 by 20.

MR. REIS: According to your billing it's 10 by 20.

MS. YONNONE: Okay, so it's 10 by 20.

Because I know he was saying he needed extra space to put the pool stuff in there.

MR. REIS: Mrs. Yonnone, do you happen to know if this will be going over any easements or right-a-ways?

MS. YONNONE: No.

MR. REIS: Good. Again, the utilization of this is just to enclose your existing --

MS. YONNONE: Right.

MR. REIS: Just for the record, I understand what you're trying to accomplish but it would be impractical to possibly place this equipment, existing equipment and shed to the rear of the yard financially it would be a difficult thing for you to accomplish?

MS. YONNONE: It is because the motor is in the front and I also need 10-foot all around they said. And I don't have -- if I place the shed in the back, I'm not going to have 10-foot all around because the pool --

MR. MINUTA: This pool was existing or new?

MS. YONNONE: It's new.

MR. MINUTA: Mike, do we have a C of O

for that?

MS. YONNONE: Probably not yet because we just put it in.

MR. MINUTA: You did apply for a permit?

MS. YONNONE: I did apply for a permit and I got approved for that.

MR. REIS: This will be electric running through the shed, Mrs. Yonnone?

MS. YONNONE: Yes, because the motor is electric, the existing motor has electric. Nothing additional, but I know that that's one of the reasons to why we want to cover it because it's, the light for the pool is electric and there's electric running through that.

MR. REIS: Any questions?

MR. MINUTA: Accept a motion?

MR. REIS: Steve, any questions?

MR. RIVERA: No.

MR. REIS: Accept a motion then.

MR. MINUTA: Make a motion that we forward Yonnone, Anthony and Arlene Yonnone to a Cornwall Zoning Board hearing for the

request of the Section 300-11 accessory structure to project closer to the road than principal building at 56 Cedar Avenue in an R4 zone.

MR. REIS: Second anybody?

MR. RIVERA: Second.

ROLL CALL:

MS. GANN: Yes.

MS. LOCEY: Yes.

MR. RIVERA: Yes.

MR. MINUTA: Yes.

MR. REIS: Yes.

JAMES HOSKIN, JR. (04-64)

MR. REIS: Our third preliminary meeting James Hoskin, Jr.

MR. HOSKIN: I'm looking to put a deck in on the back of the property and the variance is for within the 30 feet of the property line. It's actually going to be about 14 feet from the property line, that's what the variance is required.

MR. REIS: You're Mr. Hoskin?

MR. HOSKIN: Yes. If you look on the backside of the permit it has a little outline of where the deck is right off the back of the bay window there.

MR. REIS: Is there any deck there now, Mr. Hoskin?

MR. HOSKIN: No. It's bear.

MR. REIS: The steps are there?

MR. HOSKIN: The steps are there, yes. The walk out goes straight onto the deck. There won't be a step down or anything.

MR. MINUTA: What type of deck will this be?

MR. HOSKIN: It's just a --

MR. MINUTA: Pressure treated.

MR. HOSKIN: Veranda for the actual decking material. It will be pressure treated for the structure but for the decking itself it will be a Veranda look, just the gray one, noted red. There's some pictures, it's pretty much clear cut.

MR. KRIEGER: How far is the back of the house right now from the property line?

MR. HOSKIN: It's 30 feet from the property line. So there's nothing in the back of the house without needing a variance.

MR. KRIEGER: Without needing a variance, right.

MR. REIS: Gentlemen, this is up in the Reserve. We've had this type of situation come up before. All right, there's no easements or right-of-ways going through the back of your yard that would encumber you?

MR. HOSKIN: No. Actually I got a question on the easement, there's, on the east side of the property line, which is way off, I'm not, it says there's a walkway.



What does that mean as far as this property? Is this like a 5-foot walkway? It's not on what I have drawn. I do have a question on what that means on the actual.

MR. MINUTA: Officially, typically that would be for the community there would be a 5-foot walkway that would be part of that if they decide to put sidewalks in at some time.

MR. HOSKIN: Okay. Right now there's, it's just --

MR. KRIEGER: Reservation of property for possible future use.

MR. HOSKIN: No fence or anything can go back there?

MR. REIS: Correct. So to accomplish what you need any size deck would require a variance basically?

MR. HOSKIN: Yes, sir.

MR. REIS: This deck would not be much larger or smaller than other decks in the general area?

MR. HOSKIN: Actually I've been on a couple of them, they've all been 16-foot out

because that's the length that they allow or it's convenient. So that's the distance from the house most go.

MR. REIS: Without a deck or some support there walking out of the rear of your home would create a hazard, so you do need something?

MR. HOSKIN: Yes, sir.

MR. REIS: We can see the picture is very evident but again just for the record because there's no trees.

MR. HOSKIN: No vegetation will be taken out.

MR. REIS: Any questions?

MR. MINUTA: Just a comment, I'd like to thank you for the presentation you provided it's very, very good.

MR. HOSKIN: Thanks.

MR. REIS: Accept a motion?

MR. RIVERA: Did you cover the easements?

MR. REIS: It was covered.

MR. RIVERA: Make a motion,  
Mr. Chairman --

MR. REIS: Please.

MR. RIVERA: -- we setup Mr. James Hoskin, Jr. for his requested 16-foot rear yard setback for a proposed attached 20-foot by 22 rear deck at 2716 Colonial Drive.

MR. MINUTA: Second.

ROLL CALL:

MS. GANN: Yes.

MS. LOCEY: Yes.

MR. RIVERA: Yes.

MR. MINUTA: Yes.

MR. REIS: Yes.

MR. REIS: Any points anybody, any questions? I'll accept a motion to adjourn.

MR. RIVERA: So moved.

MR. MINUTA: Second.

(Time noted: 7:50 p.m.)

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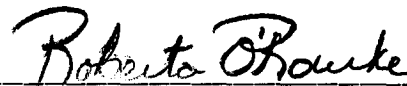
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I, ROBERTA O'ROURKE, a Stenographic Reporter  
and Notary Public of the State of New York,  
do hereby certify:

That the foregoing is an accurate record of  
the proceedings, to the best of my knowledge  
and belief, the same having been  
stenographically recorded by me and  
transcribed under my supervision.

That I am not related to any of the parties  
involved in this matter, and that I have no  
personal interest whatsoever in the outcome  
thereof.

A handwritten signature in cursive script, reading "Roberta O'Rourke". The signature is written in dark ink and is positioned above a horizontal line.

Roberta O'Rourke